

# EXHIBIT 9

1                   UNITED STATES DISTRICT COURT  
2                   EASTERN DISTRICT OF MICHIGAN  
3  
4

5 AHMED ELZEIN,  
6 Plaintiff,

7                   - vs -

8                   Case No. 22-CV-12352

9  
10 ASCENSION GENESYS HOSPITAL,  
11 Defendant.

12 \_\_\_\_\_/  
13  
14  
15  
16 DEPONENT: KATHLEEN SCOTT, MSW  
17 DATE: Thursday, October 12, 2023  
18 TIME: 3:45 p.m.  
19 LOCATION: VIA ZOOM VIDEOCONFERENCE  
20 REPORTER: Karen Fortna, CRR/RMR/RPR/CSR-5067  
21 JOB NO: 26455  
22  
23  
24  
25

AHMED ELZEIN vs ASCENSION GENESYS HOSPITAL  
SCOTT, KATHLEEN 10/12/2023

Job 26455  
46..49

<p style="text-align: right;">Page 46</p> <p>1 treatment, then we need to do that legally.</p> <p>2 Q. Right. There's a legal process that you have to follow; is that correct?</p> <p>3 A. Yes.</p> <p>4 Q. And you've been trained in terms of what the legal process is?</p> <p>5 A. Yeah. I mean, Ascension specific, I mean, I don't know if I ever received any formal training, but...</p> <p>6 Q. I mean, in your entire career as a social worker, have you been trained on --</p> <p>7 A. Oh, yeah, yes, the Mental Health Code, absolutely, everything.</p> <p>8 Q. You're familiar with Michigan Mental Health Code?</p> <p>9 A. I am.</p> <p>10 Q. And you're familiar with the requirements of the Mental Health Code of how somebody is to be involuntarily committed, correct?</p> <p>11 A. Correct.</p> <p>12 Q. And that involves a petition to the probate court, correct?</p> <p>13 A. Right. We don't -- like that happens after they get to the hospital. That's why the stuff at the bottom, you'll see on the bottom of the petition, once they get there, it's my understanding they go through, they get a copy of both. And I always</p>	<p style="text-align: right;">Page 48</p> <p>1 Q. Did you maintain any of the fax transmittal documents from that fax?</p> <p>2 A. Not that I know of, no. That's not -- normally we would not do that, no.</p> <p>3 Q. Do you know for sure --</p> <p>4 A. They would confirm, like, who we talked to. If they hadn't received it, they wouldn't accept a patient, you know what I mean, I mean, unless there was some egregious error on their part, but I can't imagine that happening.</p> <p>5 Q. Well, did you ever attempt to see if anything was ever filed in any probate court for Dr. Elzein?</p> <p>6 A. No, but normally we would receive notification because if we're the petitioner or person that does the clinical cert, the physician, we would have, from probate court, received something. Now I will say, this hospital, sometimes we receive things sporadically and very past due and I don't know if that's a mail system issue here, but off the top of my head, I cannot recall if I ever got anything, but it's not uncommon to get probate court, like, notifications. Most of the time the hearings are way before I even get the notification.</p> <p>7 Q. You were the petitioner in this particular request to have Dr. Elzein confined to a psychiatric</p>
<p style="text-align: right;">Page 47</p> <p>1 try -- like if somebody is not -- I try to check the box on the second side that the hospitalization needs to be pending a hearing. They absolutely have the ability if they don't feel -- you know, to talk to a judge. And that happens --</p> <p>2 Q. After you -- hold on.</p> <p>3 After you fill out the petition,</p> <p>4 Exhibit 1, the first two pages of Exhibit 1, what do you physically do with the document?</p> <p>5 A. The original is on the chart and then it's faxed like with that referral to facilities.</p> <p>6 Q. So in this case, was it your understanding that Dr. Elzein was transferred to Havenwick Hospital?</p> <p>7 A. That was the plan. I don't know -- like I'm assuming that's where he went, but yes.</p> <p>8 Q. So Exhibit 1 -- actually the complete Exhibit 1, which would be both the petition and the certificate, in a normal process would have been faxed to Havenwick?</p> <p>9 A. Absolutely. They wouldn't have accepted a patient without having that.</p> <p>10 Q. Okay. Whose job is it to fax it to Havenwick?</p> <p>11 A. That would be me.</p> <p>12 Q. Did you fax Exhibit 1 to Havenwick?</p> <p>13 A. Yes.</p>	<p style="text-align: right;">Page 49</p> <p>1 facility, correct?</p> <p>2 A. Correct.</p> <p>3 Q. You've done this before?</p> <p>4 A. Absolutely, yeah.</p> <p>5 Q. And are you generally involved with the court process after that?</p> <p>6 A. No, not at all.</p> <p>7 Q. The courts don't want you to be involved?</p> <p>8 A. Like I said, on a rare occasion we'll get a note that somebody has requested a hearing, which is their right, but most of the time that hearing has already long past before I get notice of that.</p> <p>9 Q. And you don't do anything to follow up if anybody followed through and filed anything with the probate court?</p> <p>10 A. No, that's not -- and to my knowledge, that's not an Ascension -- like that's not anything that we're -- like it's not within our protocol.</p> <p>11 Q. You're the person saying to the court, "You need to have this person locked up against their will," and that's what you're doing in Exhibit 1, correct?</p> <p>12 MR. WASLAWSKI: Objection. Form.</p> <p>13 THE WITNESS: I don't -- no, absolutely not, and I object to that. Locked up against their will? Absolutely not. Seen for a formal eval to</p>